

712.05 AICUZ, Air Installation Compatible Use Zone Overlay District

A. Intent and Purpose.

The Air Installation ~~Compatibility~~ **Compatible** Use Zone (AICUZ) Overlay District is established to contribute to the safe operation of Dobbins Air Reserve Base (ARB), to facilitate orderly development around the airfield, to protect property values, and to control and minimize noise and potential accident impacts on the surrounding areas of the City of Marietta. The AICUZ Overlay District promotes development patterns which are appropriate for the airfield vicinity and protect the public's safety and welfare by limiting land uses near the airport which require or generate large concentrations of individuals. The boundaries, recommendations and regulations contained herein are taken directly from studies conducted at Dobbins ARB by the United States Air Force, **and specifically the Air Installation Compatible Use Zone Study for Dobbins Air Reserve Base, Georgia, dated October 2011 (hereby referenced and on file in the City Clerk's office).**

For all proposed development(s) and/or redevelopment(s) within any zone of the AICUZ Overlay District, the Director of the Department of Development Services, or his designee, shall be responsible for determining whether a particular use is compatible within a specific zone. The Board of Zoning Appeals shall have jurisdiction to hear any appeal of a decision or determination made by the Director, or his designee.

B. Applicability.

1. Properties subject to the Airport **AICUZ** Overlay ~~d~~**District** provisions ~~and the specific land use controls encumbering those properties~~ shall be referenced on maps maintained by the Marietta Planning and Zoning Department **of Development Services.**
2. The AICUZ Overlay District regulates and recommends uses for the affected properties within the flightpaths **accident potential and noise zones, which were determined by the 2011 Air Installation Compatible Use Zone (AICUZ) Study for** of Dobbins ARB and shall be considered complementary of any other zoning district standards.
3. Properties located within the AICUZ Overlay District, which were developed prior to the adoption of this ordinance **on (date of adoption),** are considered "grandfathered" and fully protected ~~as such, including all rights to build~~ **from new or revised AICUZ regulations that were not in effect prior to that date. This "grandfathered" status conveys upon such properties the right to construct or reconstruct a building on the same building footprint, or to make structural alterations to the existing building, as long as neither the area nor the height of the building is increased. All other City Codes, including but not limited to building, fire, zoning and other development standards would be required to be met.**
4. **Properties located within the AICUZ Overlay District that are proposed for development after the adoption of this ordinance are subject to the rules set by this ordinance. For the purpose of this ordinance, "development" shall be defined as follows:**
 - a. **The construction, reconstruction, structural alteration, relocation, or enlargement of any buildings;**

- b. Any clearing, grading, or other movement of land for which permission is required.*
5. *The Department of Development Services shall notify any person submitting an application for a building permit, rezoning, special land use permit or variance, or any other permit issued by the City of Marietta, if the property in question is within the AICUZ Overlay District.*
6. *However, no development shall be permitted in any portion of the AICUZ Overlay District that may:*
 - a) Involve fire or explosive, toxic, corrosive or other hazardous materials*
 - b) Release any air-borne substances such as steam, dust, and smoke, which would impair visibility or otherwise interfere with the operation of aircraft*
 - c) Produce light emissions, which would - either directly or indirectly (reflective) - interfere with pilot vision.*
 - d) Produce electrical emissions which would interfere with aircraft communications systems or navigational equipment*
 - e) Be designed so as to attract birds or waterfowl*

C. Permitted Uses. Accident Potential and Noise Zones

Three primary determinants are used in promoting compatibility between the airfield and nearby areas: accident potential to land users, hazards to operations from land uses (height, obstructions, etc.), and aircraft noise. The AICUZ Overlay District establishes use restrictions, recommended noise reduction measures, and height limitations as necessary to produce compatible land uses in each of these five areas.

1. Clear Zones (CZ): *This is an area starting at the end of the runway and extending outward 3,000 ft. by 3,000 ft. (the runway centerline is the midpoint for the width), presenting the greatest accident risk of all the designated accident potential zones; thereby, extra protection is required. CZ includes all lands encompassed within the area designated CZ on the Official Zoning Map of the City of Marietta. The placing of structures, buildings, or electric transmission lines located above ground in the Clear Zones is subject to FAA review and approval.*
 - ~~a) The placing of structures, buildings, or electric transmission lines located above ground in the Clear Zones is subject to FAA review and approval.~~
 - ~~b) Uses should have limited intensities such as cemeteries, agricultural and passive recreation.~~
2. Accident Potential I Zones (APZ I): *This is an area extending outward from the CZ an additional 5,000 ft. by 3,000 ft. (the runway centerline is the midpoint for the width) presenting a risk of aircraft accident less than the CZ but greater than APZ II; thereby, extra protection is required. APZ I includes all land encompassed within the area designated APZ I on the Official Zoning Map of the City of Marietta.*
 - ~~a) Structures should generally be located toward the edges of this zone wherever possible.~~
 - ~~b) New residential developments are restricted to 2.5 dwelling units per acre.~~
 - ~~c) Commercial and industrial land uses are limited to a maximum Floor Area Ratio (FAR) of 0.25~~

- d) ~~Daycare, hospitals, schools and assisted living facilities may not be located in this sector.~~
3. Accident Potential II Zones (APZ II): *This is an area extending outward from APZ I an additional 7,000 ft. by 3,000 ft. (the runway centerline is the midpoint for the width) presenting a risk of accident less than both the CZ and APZ I, but a measurable risk nonetheless; thereby, extra protection is required. APZ II includes all lands encompassed within the area designated APZ II on the Official Zoning Map of the City of Marietta.*
- a) ~~Structures should generally be located toward the edges of this zone wherever possible.~~
- b) ~~New residential developments are restricted to 4 dwelling units per acre.~~
- c) ~~Commercial and industrial land uses are limited to a maximum Floor Area Ratio (FAR) of 0.50.~~
- d) ~~Daycare, hospitals, schools and assisted living facilities may not be located in this sector.~~
4. ~~None of the uses permitted in any portion of the AICUZ District may:~~
- f) ~~involve fire or explosive, toxic, corrosive or other hazardous materials~~
- g) ~~release any air borne substances such as steam, dust, and smoke, which would impair visibility or otherwise interfere with the operation of aircraft~~
- h) ~~produce light emissions, whether direct or indirect (reflective) which would interfere with pilot vision~~
- i) ~~produce electrical emissions which would interfere with aircraft communications systems or navigational equipment~~
- j) ~~attract birds or waterfowl~~
5. ~~The Department of Planning and Zoning shall notify any person submitting a building permit application, application for rezoning or variance, or any other permit issued by the City of Marietta if the property in question is within the Clear Zone, or APZ I or II.~~
4. *Noise Contours Zones: The noise environment of the AICUZ Overlay District is depicted as contours with Day-Night Sound Levels (DNL) between in excess of 65 and 80 decibels. Land use guidelines are based on the compatibility of various land uses with the listed noise exposure ranges. (All AICUZ Overlay District noise guidelines are on file in the City Clerk's office, in the "Guidelines for Construction in Marietta's AICUZ Overlay District.")*

D. Noise Contours

1. ~~The noise environment of the AICUZ is depicted as contours with Day-Night Average Sound Levels (DNL) between 65 and 80 decibels. Land use guidelines are based on the compatibility of various land uses with the listed noise exposure ranges.~~
2. ~~All AICUZ noise guidelines are on file in the City Clerk's office, in the "Guidelines for Construction in Marietta's AICUZ Overlay District."~~

D. Permitted Uses

The AICUZ Overlay District establishes use restrictions, recommended noise reduction measures, and height limitations, as necessary, to produce compatible land uses in each of the three Accident Potential and Noise Zones identified above (see recommended land uses in Section 3.4, Land Use Compatibility Guideline and Table 3-1 of the 2011 Air Installation Compatible Use Zone (AICUZ) Study). No new or proposed development [as defined in Sect.712.05 (B.4)] shall be approved unless in accordance with the requirements of this section and those of the underlying zoning classification, except as otherwise approved by the Board of Zoning Appeals [see Sect. 712.05(F)].

E. Height Restrictions.

Height restrictions are necessary to ensure that buildings and structures in the vicinity of Dobbins will not impair flight safety. A series of imaginary surfaces surrounding the airfield is defined by the Federal Aviation Regulation (FAR) Part 77, "Objects Affecting Navigable Airspace." Any object or structure which would penetrate any of these imaginary surfaces is considered by the Federal Aviation Authority (FAA) to be an obstruction to air navigation. **Appendix D of the Air Installation Compatible Use Zone (AICUZ) Study for Dobbins ARB (October 2011)** ~~"Guidelines for Construction in Marietta's AICUZ Overlay District"~~ provides detailed criteria for determining whether an object or structure constitutes an obstruction.

F. Permits.

Any building permit ~~or business license application~~ submitted for properties within the AICUZ **Overlay** District shall be reviewed by the Department of ~~Planning and Zoning~~ **Development Services** to determine whether it meets the standards set forth in ~~Subsection (C) this section~~. Those applications which do not meet these criteria shall be required to seek a variance from the Board of Zoning Appeals (**see paragraph G**).

1. No permit shall be granted by the City that would allow the establishment of a flight hazard ~~or use~~ not authorized by this ordinance or permit a non-conforming ~~use~~, structure, or natural growth to become higher, or become a greater hazard to air navigation or become less compatible ~~in use~~ than it was on the effective date of this ordinance
2. Before any existing ~~use or~~ structure within any portion of the AICUZ **Overlay** District may be altered in such a manner as to increase its base height, a letter from Dobbins Air Reserve Base is required. The letter should state that the Air Base **Dobbins ARB** does not object to the violation of the height limit.
3. **No new or proposed development, as defined in Section 712.05 (B.4), shall be approved unless in accordance with the requirements of this section and those of the underlying zoning classification. Conflicts between uses permitted in the underlying zoning classification, but not recommended by the Land Use Compatibility Guidelines [Section 3.4, Land Use Compatibility Guideline and Table 3-1 of the 2011 Air Installation Compatible Use Zone (AICUZ) Study], may be reconciled by a decision of the Board of Zoning Appeals.**

G. Variances.

Any person desiring to erect any structure, increase the height of any structure, permit natural growth, or use property not in accordance with the regulations prescribed in this ~~ordinance~~

section may apply for a variance from the Board of Zoning Appeals. Said application must include an official response from the Commander of Dobbins ARB, or his designee, which sets forth the facility's recommendation as to the variance request.